

ASSEMBLY BILL

No. 2246

Introduced by Assembly Member La Suer

February 22, 2006

An act to amend Section 3509 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2246, as introduced, La Suer. Local public employees: peace officers.

Existing law authorizes the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of employers and employees under the Meyers-Milias-Brown Act. That act specifically authorizes the board to resolve disputes alleging a violation of rules and regulations adopted by a public agency, other than the County of Los Angeles and the City of Los Angeles, including enforcement of rules concerning unit determinations, representations, recognition, and elections. Those provisions do not apply to certain peace officers, as defined.

This bill would further exempt from the application of those provisions, peace officers employed by county probation departments, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3509 of the Government Code is
2 amended to read:

1 3509. (a) The powers and duties of the board described in
2 Section 3541.3 shall also apply, as appropriate, to this chapter
3 and shall include the authority as set forth in subdivisions (b) and
4 (c). Included among the appropriate powers of the board are the
5 power to order elections, to conduct any election the board
6 orders, and to adopt rules to apply in areas where a public agency
7 has no rule.

8 (b) A complaint alleging any violation of this chapter or of any
9 rules and regulations adopted by a public agency pursuant to
10 Section 3507 or 3507.5 shall be processed as an unfair practice
11 charge by the board. The initial determination as to whether the
12 charge of unfair practice is justified and, if so, the appropriate
13 remedy necessary to effectuate the purposes of this chapter, shall
14 be a matter within the exclusive jurisdiction of the board. The
15 board shall apply and interpret unfair labor practices consistent
16 with existing judicial interpretations of this chapter.

17 (c) The board shall enforce and apply rules adopted by a
18 public agency concerning unit determinations, representation,
19 recognition, and elections.

20 (d) Notwithstanding subdivisions (a) to (c), inclusive, the
21 employee relations commissions established by, and in effect for,
22 the County of Los Angeles and the City of Los Angeles pursuant
23 to Section 3507 shall have the power and responsibility to take
24 actions on recognition, unit determinations, elections, and all
25 unfair practices, and to issue determinations and orders as the
26 employee relations commissions deem necessary, consistent with
27 and pursuant to the policies of this chapter.

28 (e) This section shall not apply to employees designated as
29 management employees under Section 3507.5.

30 (f) The board shall not find it an unfair practice for an
31 employee organization to violate a rule or regulation adopted by
32 a public agency if that rule or regulation is itself in violation of
33 this chapter. This subdivision shall not be construed to restrict or
34 expand the board's jurisdiction or authority as set forth in
35 subdivisions (a) to (c), inclusive.

36 (g) *This section shall not apply to peace officers employed by*
37 *county probation departments, as defined by Section 830.5 of the*
38 *Penal Code.*